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TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[1949 C. C. C. Cottonseed Bulletin 1]

PART 643—OILSEEDS

SUBPART—1949 COTTONSEED LOAN PROGRAM

This bulletin states the requirements with respect to the 1949 Cottonseed Price Support Program formulated by Commodity Credit Corporation (hereinafter referred to as CCC) and the Production and Marketing Administration (hereinafter referred to as PMA). Loans on eligible cottonseed produced in 1949 will be available in accordance with this bulletin. The program will be carried out by PMA under the general supervision and direction of the Manager, CCC.

Sec.

AUTHORITY: §§ 643.167 to 643.190, issued under sec. 4 (d) Pub. Law 806, 80th Cong., interpret or apply sec. 5 (a), Pub. Law 806, 80th Cong., sec. 1 (d), Pub. Law 897, 80th Cong.

§ 643.167 *Administration.* In the field, the program will be administered through State PMA committees, county agricultural conservation committees (hereinafter referred to as county committees) and PMA commodity offices. Forms will be distributed through the offices of State and county committees. County committees will determine or cause to be determined the quantity and grade of the cottonseed, the amount of the loan, and the value of the cottonseed delivered under a loan. All loan documents will be completed and approved by the county committee, which will retain copies of all such documents. The county committee may designate in writing certain employees of the county agricultural conservation association to execute on behalf of the committee any forms and documents in connection with this program.

§ 643.168 *Availability of loans*—(a) *Area.* Loans shall be available on eligible cottonseed in approved farm storage in all cotton producing areas, except that such loans will not be made in any area where the appropriate State PMA committee determines that the damage hazard to farm-storage cottonseed would not warrant the making of farm-storage loans.

(b) *Time.* Loans shall be available through December 31, 1949. Notes and chattel mortgages must be signed by the producer and delivered to the county committee on or before such date.

(c) *Source.* Loans will be made available through the offices of county committees. Disbursements on loans will be made to producers by means of sight drafts drawn on CCC by county committees, or through approved lending agencies under agreements with CCC. Disbursements on loans will be made not

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FEDERAL REGISTER

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1949 Edition

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Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

CODIFICATION GUIDE—Con.

later than January 15, 1950, except where specifically approved by the appropriate PMA commodity office in each instance.

§ 643.169 *Approved lending agencies.* An approved lending agency shall be any bank, cooperative marketing association, corporation, partnership, individual, or other legal entity with which CCC has entered into a lending agency agreement (Form PMA–97 or other form prescribed by CCC), or loan servicing agreement.

§ 643.170 *Eligible producer.* (a) An eligible producer shall be any individual, partnership, corporation, association, trust, estate, or other legal entity, or a State or political subdivison thereof or an agency of such State or political subdivision, producing cottonseed in 1949 in the capacity of landowner, landlord, tenant, or sharecropper.

Eligible producers who are members of cooperative marketing associations may act collectively through their associations in obtaining loans in accordance with the provisions of § 643.189.

§ 643.171 *Eligible cottonseed.* Eligible cottonseed shall be cottonseed which meet the following requirements:

(a) The cottonseed must have been produced in the continental United States in 1949 by an eligible producer.

(b) Such cottonseed must have been produced by the person tendering them for a loan, and such person must have the legal right to pledge or mortgage them as security for a loan. If the person tendering such cottonseed for a loan is a landlord, or landowner, the cottonseed must not have been acquired by him directly or indirectly from a tenant or sharecropper and must not have been received in payment of fixed or standing rent; and if they were produced by him

in the capacity of landlord, tenant or sharecropper, they must be his separate share of the crop, unless he is a landlord and is tendering cottonseed in which both he and a tenant or sharecropper have an interest.

(c) Cottonseed must be sound and clean and must not contain more than 11 percent moisture.

(d) No warehouse receipts shall be outstanding on such cottonseed.

§ 643.172 *Approved farm storage.* Approved farm storage shall consist of storage structures located on or off the farm which, as determined by the county committee, are of such construction as to afford safe storage of cottonseed and afford protection against weather damage, poultry, livestock and rodents, and reasonable protection against fire and theft.

§ 643.173 *Approved forms.* The approved forms consist of the producer's note on Commodity Loan Form A, secured by a chattel mortgage on Commodity Loan Form AA, which, together with the provisions of this bulletin and any supplements or amendments thereto, govern the rights and responsibilities of the producer. Notes and chattel mortgages must be dated on or before December 31, 1949, and must have State and documentary revenue stamps affixed thereto where required by law. Loan documents executed by an administrator, executor or trustee will be acceptable only where legally valid.

§ 643.174 *Determination of quantity.* The quantity of cottonseed at the time the loan is made shall be determined by actual weight or by an estimate of tonnage based upon measurements. When the weight of cottonseed to be placed under loan is estimated by measurement, 90 cu. ft. of cottonseed shall be considered the equivalent of one ton.

§ 643.175 *Liens.* The cottonseed must be free and clear of all liens and encumbrances, or if liens or encumbrances exist on the cottonseed, proper waivers must be obtained.

§ 643.176 *Service fees.* The producer shall pay a service fee of 35 cents per ton on the number of tons placed under loan, or $3.00, whichever is greater. State committees are authorized to require prepayment of $3.00 of the service fees. No refund of service fees will be made.

§ 643.177 *Set-offs.* If the producer is indebted to CCC on any accrued obligation, or if any installments past due or maturing within twelve months are unpaid on any loan made available by CCC on farm storage facilities, whether held by CCC or a lending agency, the producer must designate CCC or such lending agency as the payee of the proceeds of the loan on cottonseed to the extent of such indebtedness or installments, but not to exceed that portion of the proceeds remaining after deduction of loan service fees and amounts due prior lienholders.

If the producer is indebted to any other agency of the United States, and such indebtedness is listed on the county debt register, he must designate such agency as the payee of the proceeds as provided above.

Indebtedness owing to CCC or to a lending agency as provided above shall be given first consideration after claims of prior lienholders.

§ 643.178 *Interest rate.* Loans shall bear interest at the rate of 3 percent per annum, and interest shall accrue from the date of disbursement of the loan, notwithstanding the printed provisions of the note.

§ 643.179 *Transfer of producer's equity.* The right of the producer to transfer either his right to redeem the cottonseed under loan or his remaining interest may be restricted by CCC.

§ 643.180 *Safeguarding of the cottonseed.* The producer who places cottonseed under a farm-storage loan is obligated to maintain the farm-storage structures in good repair, and to keep the cottonseed in good condition.

§ 643.181 *Insurance.* CCC will not require the producer to insure the cottonseed placed under a farm-storage loan; however, if the producer does insure such cottonseed, the insurance shall inure to the benefit of CCC to the extent of its interest, after first satisfying the producer's equity in the cottonseed involved in the loss.

§ 643.182 *Loss or damage to the cottonseed.* The producer shall be responsible for any loss in quantity and for the quality of the cottonseed placed under a farm-storage loan, except that any uninsured physical loss or damage occurring without fault, negligence, or conversion on the part of the producer or any other person having control of the storage structure, resulting solely from an external cause other than insect infestation or vermin, will be assumed by CCC provided the producer has given the county committee immediate notice in writing of such loss or damage, and provided there has been no fraudulent representation made by the producer in the loan document or in obtaining the loan.

§ 643.183 *Personal liability.* The making of any fraudulent representations by the producer in the loan documents, or in obtaining the loan, or the conversion or unlawful disposition of any portion of the cottonseed by him, shall render the producer subject to criminal prosecution under Federal law and render him personally liable for the amount of the loan and for any resulting expense incurred by any holder of the note.

§ 643.184 *Maturity and satisfaction.* Loans mature on demand but not later than April 30, 1950. The producer is required to pay off his loan on or before maturity, or to deliver the mortgaged cottonseed in accordance with instructions of the county committee. After a complete grade determination by a licensed cottonseed chemist, credit will be given at the applicable settlement rate, according to grade and/or quality (see § 643.188), for the total quantity delivered, provided it was stored in bin(s) in which the cottonseed under loan were stored. In the case of "off quality" and "below grade" cottonseed, as defined in the United States Official Standards for Grades of Cottonseed, CCC will sell such cottonseed, pursuant to the provisions of the chattel mortgage (Commodity Loan Form AA), at the current market price, and the settlement value shall be the market price determined on the basis of such sale.

If the settlement value of the cottonseed delivered under a farm-storage loan exceeds the amount due under the loan, the amount of the excess shall be paid to the producer by a sight draft drawn on CCC by the State PMA office.

If the settlement value of the cottonseed is less than the amount due on the loan, the amount of the deficiency, plus interest, shall be paid by the producer to CCC, or may be set off against any payment which would otherwise be made to the producer under any agricultural program administered by the Secretary of Agriculture, or any other payments which are due or may become due to the producer from CCC or any other agency of the United States. In the event the farm is sold or there is a change of tenancy, the cottonseed may be delivered before the maturity date of the loan, upon prior approval by the county committee.

§ 643.185 *Removal of the cottonseed under loan.* If the loan is not satisfied upon maturity by payment or delivery, the holder of the note may remove the cottonseed and sell them, either by separate contract or after pooling them with other lots of cottonseed similarly held. If the cottonseed are pooled, the producer has no right of redemption after the date the pool is established, but shall share rateably in any over-plus remaining upon liquidation of the pool. CCC shall have the right to treat the pooled cottonseed as a reserve supply to be marketed under such sales policies as CCC determines will promote orderly marketing, protect the interests of producers and consumers and not unduly impair the market for the current crop of cottonseed, even though part or all of the pooled cottonseed are disposed of at prices less than the current domestic price of such cottonseed. Any sum due the producer as a result of the sale of the cottonseed or of insurance proceeds thereon, or any rateable share resulting from the liquidation of the pool, shall be payable only to the producer, without right of assignment by him.

§ 643.186 *Release of the cottonseed under loan.* A producer may at any time obtain the release of cottonseed remaining under loan by paying to the holder of the note the principal amount thereof, plus charges and accrued interest. If the note is held by an out-of-town lending agency or by CCC, the producer may request that the note be forwarded to a local lending agency or to the county committee for collection. All charges in connection with the collection of the note shall be paid by the producer. Upon payment of a farm storage loan, the county committee should be requested to release the mortgage by filing an instrument of release or by executing a marginal release on the county records. Partial release of the cottonseed prior to maturity of the loan may be arranged with the county committee by paying to the holder of the note the amount of the loan, plus charges and accrued inter-

est, represented by the quantity of the cottonseed to be released: *Provided, however,* No partial release shall include less than the total quantity of cottonseed stored in any single commingled mass.

§ 643.187 *Purchase of notes.* CCC will purchase, from approved lending agencies, notes evidencing approved loans which are secured by chattel mortgages. The purchase price to be paid by CCC will be the principal sum remaining due on such notes, plus accrued interest from the date of disbursement to the date of purchase at the rate of 1½ percent per annum. Lending agencies are required to submit Commodity Credit Corporation Form 500 or such other form as CCC may prescribe, covering all payments received on producer's notes held by them, and are required to remit to CCC an amount equal to 1½ percent per annum of the amount of the principal collected from the date of disbursement to the date of payment. Lending agencies should submit notes and reports to the PMA commodity office serving the area.

§ 643.188 *Loan and settlement rates*—(a) *Loan rate.* Loans shall be made at the rate of $49.50 per ton of eligible cottonseed as defined in § 643.171 which are stored in approved structures. Moisture content is the only quality factor to be ascertained at the time the loan is made, except that the seed must be clean.

(b) *Basic settlement rate.* The basic settlement rate at time of delivery for "basis grade" (100) cottonseed shall be $50.65 per net ton, f. o. b. shipping points. The settlement rate for cottonseed grading above or below "basis grade" (100) shall be $50.65 per ton plus or minus a percentage of such price equal to the percentage by which the grade of such cottonseed is above or below 100.

§ 643.189 *Cooperative marketing association loans.* Cooperative marketing associations of producers shall be eligible for loans: *Provided,* That (a) the cottonseed placed under loan are tendered by producer-members only and are completly segregated from all other cottonseed; (b) the association has been granted by such producer-members the legal right to mortgage the cottonseed as security for a loan, either when stored on an identity-preserved basis or when commingled with cottonseed tendered by other producer-members and covered by the loan; (c) the association agrees to disburse to the producer-members the full amount of the loan proceeds and any subsequent amounts paid by CCC at the time of settlement in shares proportionate to each producer-member's interests, on the basis of quantity and quality, in the cottonseed covered by the loan; and (d) the association agrees to pay to CCC any amounts due it under the provisions of this program at the time of settlement.

Cooperative marketing associations desiring loans may obtain the special cooperative loan agreements forms and other loan documents from the county committee for the county in which the association is located. The loan rate to cooperative marketing associations will be the same as the loan rate to individual producers, and loans to such associations will otherwise be made on substantially the same basis as loans to individual producers. Members wishing to obtain loans through their associations should contact their associations.

§ 643.190 *PMA Commodity Offices.* The PMA Commodity Offices and the cotton growing area served by each are shown below:

449 West Peachtree Street NE., Atlanta 3, Ga.: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia.

623 South Wabash Avenue, Chicago 5, Ill.: Illinois.

1114 Commerce Street, Dallas 2, Tex.: Arkansas, Louisiana, New Mexico, Oklahoma, Texas.

802 Delaware Avenue, Kansas City 6, Mo.: Kansas and Missouri.

30 Van Ness Avenue, San Francisco 3, Calif.: Arizona and California.

Issued this 1st day of September 1949.

[SEAL] HAROLD K. HILL,
Acting Manager,
Commodity Credit Corporation.

Approved:

F. K. WOOLLEY,
Vice President,
Commodity Credit Corporation.

[F. R. Doc. 49-7229; Filed, Sept. 6, 1949; 8:53 a. m.]

TITLE 7—AGRICULTURE

Chapter III—Bureau of Entomology and Plant Quarantine, Department of Agriculture

PART 303—COOPERATIVE SUPPRESSION OF PLANT DISEASES AND INSECT PESTS

SUBPART—GOLDEN NEMATODE SUPPRESSIVE PROGRAM, 1949 SEASON

Pursuant to the authority vested by section 6 of the Golden Nematode Act (7 U. S. C., Supp. 2, 150e; 62 Stat. 442), and having determined that the State of New York, through legislation, appropriations, and quarantine regulations has taken action and provided funds and means to carry out effectively a cooperative program to suppress, control, and prevent the spread of the known infestation of the golden nematode in accord with the other provisions of the Golden Nematode Act, the Secretary of Agriculture of the United States and the Commissioner of Agriculture and Markets of the State of New York have cooperatively determined that the following procedures and rates shall be used in compensating growers in the portion of Long Island, New York, where the golden nematode is known to occur for carrying out a program for the control and suppression of this nematode during the 1949 season:

Sec.
303.1 Compensation only to nongrowers of potatoes.
303.2 Compensation to nonowners of land involved.
303.3 Compensation to owner-operators.
303.4 Agreement and voucher forms.
303.5 Agency designated to act for Federal Government.
303.6 Agent of Secretary of Agriculture to determine eligibility for payment.

AUTHORITY: §§ 303.1 to 303.6 issued under 62 Stat. 442, 7 U. S. C., Supp. 2, 150e.

§ 303.1 *Compensation only to nongrowers of potatoes.* Compensation will be paid only to those growers who refrained from planting potatoes on land infested or exposed to infestation by the golden nematode, and who grew on such lands only such crops as were approved by the Department of Agriculture and Markets of the State of New York.

§ 303.2 *Compensation to nonowners of land involved.* The State of New York, through its Commissioner of Agriculture and Markets, will assume full responsibility for and make the entire compensation payments to growers who refrained from planting potatoes on land which was infested or exposed to infestation by the golden nematode and which was not owned by such growers within the limitations imposed by the provisions of Chapter 321 of the Laws of 1949, of the State of New York.

§ 303.3 *Compensation to owner-operators*—(a) *Apportionment of losses.* Losses to owner-operators of lands infested by or exposed to the golden nematode who refrained from growing potatoes shall be borne by the United States Department of Agriculture, the Department of Agriculture and Markets of the State of New York, and the owner-operator.

(b) *Joint payments by Federal and State governments.* The full and uniform amount to be paid jointly by the United States Department of Agriculture and the Department of Agriculture and Markets of the State of New York to each owner-operator of lands infested by or exposed to the golden nematode shall be at the rate of $150 per acre, divided equally between the two named agencies. The payment of $150 will be made only to owners who have complied in good faith with all regulations concerning the golden nematode promulgated by the United States Department of Agriculture and the Department of Agriculture and Markets of the State of New York.

(c) *Computation of payments.* It has been determined that, based on (1) the estimated value of crops that were approved by the Department of Agriculture and Markets of the State of New York for production on lands infested by the golden nematode, (2) an analysis of the average cost of producing potatoes in Nassau County, Long Island, New York, (3) the average annual yield of potatoes in said Nassau County, and (4) the estimated sale value of potatoes in that area, the joint compensation of $150 per acre will not be more than two thirds of the total loss accruing to the owner-operator.

§ 303.4 *Agreement and voucher forms.* As a condition of payment each owner-operator shall enter into an agreement with the Department of Agriculture and Markets of the State of New York, which shall be executed at least in duplicate. One fully executed copy of the agreement and a certificate by a responsible officer of the Department of Agriculture and Markets of the State of New York, both of which shall be substantially in the form appended hereto,[1] shall be at-

[1] Filed as a part of the original document.

tached to and made a part of each voucher (Standard Form 1034) executed by a grower seeking to receive compensation from the United States Department of Agriculture. The purpose of the voucher shall be stated substantially as follows:

One-half of compensation for refraining from planting potatoes on _____ acres of land infested by or exposed to the golden nematode.

§ 303.5 *Agency designated to act for Federal Government.* The Bureau of Entomology and Plant Quarantine of the United States Department of Agriculture is hereby authorized to carry out, on behalf of the Federal Government, the cooperative program to suppress, control, and prevent the spread of the golden nematode.

§ 303.6 *Agent of Secretary of Agriculture to determine eligibility for payment.* Harry L. Smith, In Charge, Division of Golden Nematode Control, Hicksville, Long Island, New York, working under the direction of the Chief of the Bureau of Entomology and Plant Quarantine of the United States Department of Agriculture, is hereby designated as the authorized agent of the Secretary of Agriculture in determining eligibility for compensation under the regulations in this subpart and approving the amount of compensation to be provided by the United States Department of Agriculture to any owner-operator who refrained from planting potatoes during 1949.

Enabling legislation by the State of New York authorizing State cooperation, required by section 4 of the Golden Nematode Act as a requisite for Federal participation, was not approved until March 28, 1949, at which time seasonal planting operations were already in progress in the affected sections. A new agreement form was only recently approved by the State of New York for use by land owners who are this year refraining from growing potatoes on fields exposed to golden nematode infestation. In order to be of value to the program for suppressing, controlling, and preventing the spread of the golden nematode for the 1949 season, it is necessary that these regulations be made effective at once. Compliance with the provisions of the regulations is not obligatory, but confers a benefit upon eligible growers. For the reasons stated, it is found upon good cause, pursuant to the provisions of section 4 of the Administrative Procedure Act (5 U. S. C. 1003), that notice and public procedure on these regulations are unnecessary, impractical, and contrary to the public interest and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

These regulations shall be effective September 7, 1949, and shall supersede §§ 303.1–1 to 303.1–6, (redesignated §§ 303.1 to 303.6, 13 F. R. 7382), approved August 31, 1948.

Done at Washington, D. C., this 1st day of September 1949. Witness my hand and the seal of the United States Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

Concurred with August 5th, 1949.

C. CHESTER DU MOND,
Commissioner of Agriculture and Markets, State of New York.

[F. R. Doc. 49–7209; Filed, Sept. 6, 1949; 8:48 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry, Department of Agriculture

Subchapter F—Animal Breeds

PART 151—RECOGNITION OF BREEDS AND BOOKS OF RECORD OF PUREBRED ANIMALS

HORSES

On July 29, 1949, a notice of rule making was published in the FEDERAL REGISTER (14 F. R. 4758) regarding the proposed recognition by the Secretary of Agriculture of the book of record of Thoroughbred horses entitled "Registre des Chevaux de Pur Sang."

After due consideration of all relevant material presented in connection with the notice, including the proposals set forth therein, the Secretary of Agriculture, pursuant to the authority vested in him by paragraph 1606 of section 201 of the Tariff Act of 1930 (19 U. S. C. sec. 1201, par. 1606) hereby recognizes the said book of record, and hereby further amends § 151.10 (a), Chapter I, Title 9, Code of Federal Regulations, as amended (14 F. R. 158), by adding to the end of the subdivision relating to horses, the following book of record:

HORSES

Name of breed	Book of record	By whom published
Thoroughbred.	Registre des Chevaux de Pur Sang.	Jockey-Club de Belgique, J. Leynen, Secretary, 1 rue Guimard, Brussels, Belgium.

The foregoing amendment shall become effective on the 6th day of September 1949.

Done at Washington, D. C., this 1st day of September 1949. Witness my hand and the seal of the United States Department of Agriculture.

(Par. 1606, 46 Stat. 673; 19 U. S. C. 1201, par. 1606)

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 49–7227; Filed, Sept. 6, 1949; 8:53 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

[Reg. T]

PART 220—CREDIT BY BROKERS, DEALERS, AND MEMBERS OF NATIONAL SECURITIES EXCHANGES

MARGIN REQUIREMENTS; INTERNATIONAL BANK SECURITIES

§ 220.108 *International Bank Securities.* Section 2 of the act of June 29, 1949 (Public Law 142—81st Congress), amended the Bretton Woods Agreements Act by adding a new section numbered 15 providing, in part, that "Any securities issued by International Bank for Reconstruction and Development (including any guaranty by the bank, whether or not limited in scope), and any securities guaranteed by the bank as to both principal and interest, shall be deemed to be exempted securities within the meaning of * * * paragraph (a) (12) of section 3 of the [Securities Exchange] Act of June 6, 1934, as amended (15 U. S. C. 78c). * * *".

In response to inquiries with respect to the applicability of the margin requirements of this part to securities issued or guaranteed by the International Bank for Reconstruction and Development, the Board has replied that, as a result of this enactment, securities issued by the Bank are now classified as exempted securities under § 220.2 (e). Such securities are now in the same category under this part as are United States Government, State and municipal bonds. Accordingly, the specific percentage limitations prescribed by this part with respect to maximum loan value and margin requirements are no longer applicable thereto.

(Sec. 11 (i), 38 Stat. 262; 12 U. S. C. 248 (i). Interpret or apply secs. 3, 7, 8, 17, 23, 48 Stat. 882, 886, 888, 897, 901, as amended; 15 U. S. C. 78c, 78g, 78h (a), 78q (b), 78w)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Assistant Secretary.

[F. R. Doc. 49–7207; Filed, Sept. 6, 1949; 8:47 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[4th Gen. Rev. of Export Regs., Amdt. 34]

PART 371—GENERAL LICENSES

PART 377—LICENSES FOR MULTIPLE SHIPMENTS OF GIFT PARCELS

MISCELLANEOUS AMENDMENTS

1. Section 371.10 *Shipments of limited value GLV* is amended in the following particulars:

Paragraph (e) *Special provisions for meat* is hereby deleted.

2. Section 371.11 *Personal baggage and personal effects baggage* is amended in the following particulars:

Subaragraph (1) *Foods* of paragraph (c) *Special provisions* is hereby deleted.

3. Section 371.21 *General license for gift parcels* is amended in the following particulars:

Paragraph (c) *Commodity, weight, other limitations* is amended in the following particulars:

Subdivision (i) of subparagraph (3) *Commodity limitations* is hereby deleted.

4. Section 371.22 *Exportation of relief shipments RLS* is amended in the following particulars:

Paragraph (b) *Commodities exportable* is amended in the following particulars:

The entry for Schedule B No. 999810 is amended to read as follows:

Schedule B No.:	*Commodity*
999810	Food

5. Section 377.1 *Multiple shipments of gift parcels* is amended in the following particulars:

Paragraph (b) *Commodity limitations* is hereby deleted.

This amendment shall become effective August 26, 1949.

(Pub Law 11, 81st Cong.; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; E. O. 9919, Jan. 3, 1948, 13 F. R. 59)

Dated: August 24, 1949.

LORING K. MACY,
Assistant Director,
Office of International Trade.

[F. R. Doc. 49-7212; Filed, Sept. 6, 1949; 8:49 a. m.]

[4th Gen. Rev. of Export Regs., Amdt. 35]

PART 372—PROVISIONS FOR INDIVIDUAL AND OTHER VALIDATED LICENSES

COMMODITY QUOTAS AND TIME FOR SUBMISSION OF LICENSE APPLICATIONS

Section 372.9 *Commodity quotas and time for submission of license applications* is amended in the following particulars:

1. The following commodity and related submission dates are deleted from the table Time Schedules for Submission of Applications for the Exportation of Certain Commodities, for the third quarter, 1949:

Schedule B No.	Commodity	Third quarter, 1949
641300	Scrap copper	June 1 to June 20.

2. The commodities and related submission dates appearing under the heading "Steel Mill Products" in the table Time Schedules for Submission of Applications for the Exportation of Certain Commodities, for the third quarter, 1949, are amended to read as follows:

Schedule B No.	Commodity	Third quarter, 1949
	Steel mill products	
603350-603490	Galvanized iron and steel sheets, except reject	May 9 to May 20.[1]
603350-603490	Galvanized iron and steel sheets, 18-gauge and heavier only, except reject.[2]	July 1 to July 15.[1]

[1] Applications covering reject grades, filed in accordance with the provisions of § 373.25 of this subchapter, may be submitted at any time.
[2] Applies only to applications filed against third-quarter supplemental quota for 18-gauge and heavier galvanized sheets, except reject.

3. The following commodities and related submission dates are added to the table Time Schedules for Submission of Applications for the Exportation of Certain Commodities, for the fourth quarter, 1949:

Schedule B. No.	Commodity	Fourth quarter, 1949
	Hides and skins, raw, except furs	
020602	Calf skins, dry	Licensed on monthly basis, applications to be submitted during the first ten days of current month.[1]
020604	Calf skins, wet	
020702	Kip skins, dry	
020704	Kip skins, wet	
	Nonferrous ores, metals, and alloys	
656507	Tin metal in ingots, pigs, bars, blocks, slabs, and other forms	Sept. 1 to Sept. 20.
664915	Cadmium metals (include metallic shapes)	

[1] Applications covering calf and kip skins, dry, imported, filed in accordance with the provisions of § 373.10 (a) (2) of this subchapter, may be submitted at any time.

4. The commodities and related submission dates appearing under the heading "Steel Mill Products" in the table Time Schedules for Submission of Applications for the Exportation of Certain Commodities, for the fourth quarter, 1949, are amended to read as follows:

Schedule B No.	Commodity	Fourth quarter, 1949
	Steel mill products	
603350-603490	Galvanized iron and steel sheets, except reject[1]	Aug. 15 to Aug. 31.[2]

[1] Applications must show total weight of sheets proposed for export under each Schedule B classification in (a) 17-gauge and heavier and (b) 18-gauge and lighter. (See § 373.25 of this subchapter.)
[2] Applications covering reject grades, filed in accordance with the provisions of § 373.25 of this subchapter, may be submitted at any time.

This amendment shall become effective August 26, 1949.

(Pub. Law 11, 81st Cong.; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; E. O. 9919, Jan. 3, 1948, 13 F. R. 59)

Dated: August 24, 1949.

LORING K. MACY,
Assistant Director,
Office of International Trade.

[F. R. Doc. 49-7213; Filed, Sept. 6, 1949; 8:49 a. m.]

[4th Gen. Rev. of Export Regs., Amdt. 36]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

GALVANIZED IRON AND STEEL SHEETS

Part 373, Licensing policies and related special provisions, is amended in the following particulars:

Section 373.25 *Special provisions for galvanized iron and steel sheets* is amended to read as follows:

§ 373.25 *Special provisions for galvanized iron and steel sheets.* Galvanized iron and steel sheets, Schedule B Nos. 603350, 603390, 603450, and 603490, will be licensed for export in accordance with the following special provisions, in addition to the provisions of §§ 373.1 and 373.2 relating to RO commodities on the Positive List with the processing code STEE.

(a) *Export quotas.* Galvanized iron and steel sheets, other than reject grades, are licensed against quarterly quantitative quotas announced in Current Export Bulletins. Reject grades of such sheets will be licensed against open-end (non-quantitative) quotas in accordance with the provisions set forth in paragraph (c) of this section.

(b) *Applications; commodity description requirements for sheets other than reject.* Each application for license to export galvanized iron and steel sheets, except reject sheets as defined in paragraph (c) of this section, against fourth-quarter, 1949, quotas, must specify with respect to each Schedule B classification the total quantity (in pounds) of sheets in each of the following categories: (1) 17-gauge and heavier and (2) 18-gauge and lighter.

(c) *Provisions for galvanized iron and steel sheets, reject.* (1) *Definition of "reject".* The term "reject" as applied herein with respect to galvanized iron and steel sheets, Schedule B Nos. 603350, 603390, 603450, and 603490, shall mean new and unused sheets which contain inherent manufacturing or other defects of such nature as to render the sheets generally unsalable in the domestic market.

(2) *Applications; commodity description requirements.* Applications for licenses to export galvanized iron and steel sheets, reject, shall show the following information in item 9 of Form IT 419, with respect to each Schedule B classification: A complete description of the sheets as to type, grade, size, and gauge, followed by the word "reject"; and, in addition, a detailed account of the defects upon which the determination of reject grade is based.

(3) *Evidence of unsalability.* The Office of International Trade may, at its discretion, require (1) as a condition of export clearance after the license has been granted, or (2) as a condition governing consideration of the license application, that the applicant submit evidence to establish the unsalability of the reject sheets in the domestic market.

(i) *Inspection report.* Evidence of unsalability in the domestic market shall consist of a recent inspection report of a recognized commercial testing laboratory covering a minimum 10 percent random physical inspection of the total quantity of reject sheets shown on the license, or on the license application, whichever is appropriate; except that a more complete coverage may be required: *Provided, however,* That where the material is shipped directly for export by a producer, processor, or fabricator, or is being supplied direct from such source to the exporter, the mill inspection report covering the reject sheets may be submitted in lieu of the testing laboratory report.

(ii) *When inspection report must be submitted.* The inspection report described in this section shall be submitted only when specifically requested by the Office of International Trade, and in the following manner.

When the inspection report is required as a condition of export clearance after the license is granted, the face of the license will contain the requirement that the inspection report shall, at the time of presentation of the license to the collector of customs, be attached to the license as a part thereof.

When the inspection report is required by the Office of International Trade during consideration of the license application, the applicant will be so notified. Unless specifically noted on the face of the license, the inspection report submitted to the Office of International Trade will not be attached to or become a part of the license.

(iii) *Additional documentation.* In addition to the inspection report herein described, the Office of International Trade may request other written evidence to determine whether the reject sheets proposed for export are salable in the domestic market. The nature and manner of submission of such documentation will be made known to the applicant at the time request for such documentation is made.

This amendment shall become effective August 26, 1949.

(Pub. Law 11, 81st Cong.; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; E. O. 9919, Jan. 3, 1948, 13 F. R. 59)

Dated: August 23, 1949.

LORING K. MACY,
Assistant Director,
Office of International Trade.

[F. R. Doc. 49-7214; Filed, Sept. 6, 1949; 8:50 a. m.]

[4th Gen. Rev. of Export Regs., Amdt. P. L. 13]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

DELETIONS AND ADDITIONS TO POSITIVE LIST OF COMMODITIES

Section 399.1 *Appendix A—Positive list of commodities* is amended in the following particulars:

1. The following commodities are deleted from the Positive List:

Department of Commerce Schedule B No.	*Commodity*
	Animals, edible:
001000	Cattle for breeding.
001200	Cattle other than for breeding.
001300	Hogs (swine).
001600	Sheep.
	Meat Products:
	Beef and veal, except canned:
002000	Fresh or frozen.
002100	Pickled or cured.
	Pork, except canned:
002700	Fresh or frozen pork, except fatback pork and pigs' feet.
002800	Hams and shoulders, cured (include cooked).
002900	Bacon except fat pork, dry-salted, and porkback, dry-salted.
003000	Cumberland and Wiltshire sides.
003200	Other pork, pickled or salted, except fatback pork, pickled or salted; dry-salted ears; dry-salted tails; neck bones, pickled or salted; pigs' feet, pickled or salted; pork head skins, pickled; tails, pickled; and neck ribs, pickled or salted.
003400	Mutton and lamb.
003500	Sausage, bologna, and frankfurters, except canned.
003600	Beef, canned except tripe and oxtails.
003700	Pork, canned (include canned hams and canned bacon) except pigs' feet; Philadelphia scrapple; pork tongue, lunch, pickled, cured, or spiced; dehydrated pork; and pork spreads.
003800	Sausage, bologna, and frankfurter, canned.
	Other canned meat:
003909	Mutton, boiled, corned, or roasted.
003909	Veal (include cured).
003909	Lamb.
003909	Ration C; Ration RR.
003909	Ration K.
003909	Ten-in-one Ration.
003909	Tushonka, canned.
003909	Hot tamales.
003909	Vegetables cooked with meat, including lentils with frankfurters and beans with frankfurters.
004100	Livers, fresh, frozen, or cured, except canned.
004300	Tongue, fresh, frozen, pickled, or cured, except canned.
	Sausage ingredients, salted or otherwise cured, except canned:
004400	Pastroma strips, smoked.

2. The following commodities are added to the Positive List:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
	Coal-tar intermediates, except coal-tar acids:				
802590	Styrene	Pound	COTA 60	100	R
	Chemical specialty compounds, n. e. s.:				
829990	Additives for motor oil, except those of petroleum origin.		SALT 65	100	R
	Organic chemicals not of coal-tar origin n. e. s.:				
832990	Ethyl cellulose	Pound	ORGN 67	100	R

Shipments of any of the above commodities removed from general license which were on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to the effective date of this amendment may be exported under the previous general license provisions.

This amendment shall become effective August 26, 1949.

(Pub. Law 11, 81st Cong.; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; E. O. 9919, Jan. 3, 1948, 13 F. R. 59)

Dated: August 24, 1949.

LORING K. MACY,
Assistant Director,
Office of International Trade.

[F. R. Doc. 49-7215; Filed, Sept. 6, 1949; 8:50 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg., Amdt. 159]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 155]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

CERTAIN STATES

The Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92) are amended in the following respects:

1. Schedule A, Item 61, is amended to read as follows:

(61) [Revoked and decontrolled.]

This decontrols (1) the City of Orlando, in Orange County, Florida, and all unincorporated localities in Orange County, Florida, a portion of the Orlando, Florida, Defense-Rental Area, based on a resolution submitted for said City of Orlando, in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended, said City of Orlando constituting the major portion of said Defense-Rental Area, and (2) the remainder of said Defense-Rental Area, on the Housing Expediter's own initiative in accordance with section 204 (c) of said act.

2. Schedule A, Item 105, is amended to describe the counties in the Defense-Rental Area as follows:

La Porte.

This decontrols Starke County, Indiana, a portion of the La Porte-Michigan City, Indiana, Defense-Rental Area, on the Housing Expediter's own initiative in accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended.

3. Schedule A, Item 114c, is amended to read as follows:

(114c) [Revoked and decontrolled.]

This decontrols the entire Fairfield, Iowa, Defense-Rental Area, consisting of the City of Fairfield, in Jefferson County, Iowa, on the Housing Expediter's own initiative in accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended.

4. Schedule A, Item 123b, is amended to read as follows:

(123b) [Revoked and decontrolled.]

This decontrols the entire Bowling Green, Kentucky, Defense-Rental Area, consisting of Warren County, Kentucky, on the Housing Expediter's own initiative in accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended.

5. Schedule A, Item 142, is amended to describe the counties in the Defense-Rental Area as follows:

Montgomery County; and Prince Georges County, except the Election Districts, 3, 4, 5, 7, 8, 11 and 15.

This decontrols in Prince Georges County, Maryland, Election Districts 3, 4, 5, 7, 8, 11 and 15, a portion of the Montgomery-Prince Georges, Maryland, Defense-Rental Area, on the Housing Expediter's own initiative in accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended.

6. Schedule A, Item 149a, is amended to read as follows:

(149a) [Revoked and decontrolled.]

This decontrols the entire Escanaba-Marquette, Michigan, Defense-Rental Area, on the Housing Expediter's own initiative in accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended.

7. Schedule A, Item 230, is amended to describe the counties in the Defense-Rental Area as follows:

Champaign, Clark, Greene, Miami and Montgomery.

This decontrols Preble County, Ohio, a portion of the Dayton, Ohio, Defense-Rental Area, on the Housing Expediter's own initiative in accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended.

8. Schedule A, Item 300, is amended to read as follows:

(300) [Revoked and decontrolled.]

This decontrols (1) the City of Austin in Travis County, Texas, and all unincorporated localities in the Austin, Texas, Defense-Rental Area, based on a resolution submitted for said City of Austin, in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended, said City of Austin constituting the major portion of said Defense-Rental Area and (2) the remainder of said Defense-Rental Area, on the Housing Expediter's own initiative in accordance with section 204 (c) of said act.

9. Schedule A, Item 342, is amended to describe the counties in the Defense-Rental Area as follows:

Independent Cities of Hampton, Newport News, Norfolk, Portsmouth and South Norfolk; the County of Elizabeth City; in the County of Norfolk, the Magisterial Districts of Deep Creek, Tanners Creek, Washington, and Western Branch; in the County of Warwick, the Magisterial District of Newport.

Independent City of Suffolk; the County of Nansemond; the County of Norfolk other than the Magisterial Districts of Deep Creek, Tanners Creek, Washington, and Western Branch.

This decontrols the entire Princess Anne County, Virginia, a portion of the Hampton Roads, Virginia, Defense-Rental Area, on the Housing Expediter's own initiative in accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended.

10. Schedule A, Item 354b, is amended to describe the counties in the Defense-Rental Area as follows:

Mercer.
McDowell, Mingo, and Raleigh.
Bluefield Town in Tazewell County.

This decontrols Wyoming County, West Virginia, a portion of the Bluefield, West Virginia, Defense-Rental Area, on the Housing Expediter's own initiative in accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended.

(Sec. 204 (d), 61 Stat. 197, as amended by 62 Stat. 37, 94 Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894 (d))

This amendment shall become effective September 1, 1949.

Issued this 1st day of September 1949.

J. WALTER WHITE,
Acting Housing Expediter.

[F. R. Doc. 49-7216; Filed, Sept. 6, 1949; 8:50 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter C—Miscellaneous Excise Taxes

[T. D. 5736]

PART 192—FERMENTED MALT LIQUORS

SIGNING OF LANDING CERTIFICATE

1. Section 192.227 of Regulations 18, approved May 20, 1940 (26 CFR, Part 192), is hereby amended.

2. The purpose of this amendment is to liberalize the requirement regarding the signing of landing certificates covering beer exported free of tax.

3. It is found that compliance with the notice, public rule-making procedure and effective date requirements of the Administrative Procedure Act (Public Law 404—79th Cong.), is unnecessary in connection with the issuance of these regulations for the reason that the change made liberalizes a requirement imposed upon the industry.

§ 192.227 *Signing of landing certificate.* The landing certificate shall be signed by a revenue officer of the foreign country to which the merchandise is exported, by the master of the vessel, or by the vessel's agent at the place of landing. The certificate must be filed within six months from the date of exportation of the merchandise. (Secs. 3153 (b), 3176, I. R. C.)

4. This Treasury decision shall be effective upon publication in the FEDERAL REGISTER.

(Secs. 3153 (b) and 3176, I. R. C. (26 U. S. C., 3153 (b), 3176))

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

Approved: August 31, 1949.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 49-7219; Filed, Sept. 6, 1949; 8:52 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Federal Security Agency

PART 64—GRANTS TO INSTITUTIONS FOR TRAINING IN HEART DISEASE

Sec.
64.1 Definitions.
64.2 Purposes for which grants may be made.
64.3 Application for grants; procedure for award.
64.4 Conditions of award; general.
64.5 Conditions of award; grants for trainee stipends and allowances.
64.6 Payments to institutions; repayment of unexpended balances.

AUTHORITY: §§ 64.1 to 64.6 issued under secs. 215, 301, 58 Stat. 690, 692; 42 U. S. C. 216, 241, and sec. 3 (b), Pub. Law 655, 80th Cong., 62 Stat. 464.

§ 64.1 *Definitions.* As used in this part, the term "trainee" means an individual receiving advance-training in either research or clinical methods related to the cause, prevention, treatment, or control of heart disease.

§64.2 *Purposes for which grants may be made.* Within the limits of appropriated or other funds available for such purpose, the Director of the National Institutes of Health may grant funds in accordance with these regulations to public or other nonprofit institutions for the purpose of assisting such institutions to provide, and of enabling selected individuals to acquire, training and instruction relating to the cause, prevention, treatment, and control of heart diseases. Funds so granted may be expended solely for the following purposes:

(a) For payment of stipends and allowances, as prescribed in § 64.5, to trainees with respect to the period of their training;

(b) For the expenses of the institution in providing training and instruction to trainees in clinical and related matters.

§ 64.3 *Application for grants; procedure for award.* Eligible institutions shall apply for grants authorized under this part in such form and manner as may be approved by the Director of the National Heart Institute, and shall set forth in such application, in addition to any other pertinent information such Director may require, the following:

(a) The specific type and duration of training to be provided;

(b) The number of trainees and the qualifications to be required;

(c) The name and qualifications of the program director who will be responsible for the training;

(d) The total amount of Federal funds requested, stating separately (1) the amount of monthly stipend and the total allowances to be paid each trainee, and (2) the total amount requested for institutional expenses and the purposes for which such funds will be expended.

Applications filed in accordance with these requirements may be submitted to the National Advisory Heart Council for its consideration. No grant may be made by the Director of the National Institutes of Health unless it is recommended by such Council.

§ 64.4 *Conditions of award; general.* Grants authorized by this part shall be subject to the following conditions:

(a) That the program director specified in the application to be in charge of the training shall continue in charge. No substitute director shall be placed in charge of the training unless the director specified in the application is no longer available and unless such substitute as selected by the institution is temporarily approved by the Director of the National Heart Institute and finally approved, upon recommendation of the National Advisory Health Council, by the Director of the National Institutes of Health.

(b) No essential change in the kind or significant reduction in the duration of the training may be made unless recommended by the National Advisory Heart Council and approved by the Director of the National Institutes of Health.

(c) Subject to the regulations of this part and upon application by the institution in each specific instance, the Director of the National Heart Institute, may authorize amounts granted for trainee stipends and allowances to be used for institutional expenses in providing the training, and amounts granted for institutional expenses to be used to pay stipends and allowances.

(d) The fiscal and other records of the institution that relate to the training for which a grant is awarded under this part shall be made available for audit or other reasonable inspection by representatives of the Public Health Service.

(e) Additional conditions may be imposed by the Director of the National Institutes of Health at the time of making a grant if such conditions are reasonably necessary to carry out the purpose of the grant.

§ 64.5 *Conditions of award; grants for trainee stipends and allowances.* Grants awarded to an institution for the payment of stipends and allowances to trainees shall be subject to the following conditions:

(a) No amount may be paid by the institution to any trainee who, by reasons of physical or mental disability or otherwise, will not in the reasonable judgment of the institution be available following such training for research or clinical work related to heart disease.

(b) Unless otherwise approved by the Director of the National Institutes of Health, no amount from the funds granted may be paid by the institution to any trainee either as stipend or allowance, including travel expenses, that exceeds the amount payable under similar circumstances to individuals of similar qualifications or status as National Institutes of Health research fellows under Part 61 of this chapter or as National Heart Institute trainees under Part 63 of this chapter.

(c) No amount shall be paid by the institution to any trainee who does not meet the qualifications required generally by the institution for similar types of training or to any trainee whose nomination by the institution has not been approved by the Director, National Heart Institute, or to any trainee who has failed to demonstrate satisfactory participation in the training in accordance with the usual standards of the institution.

(d) No part of the funds granted may be used as remuneration for, or on account of, services performed by any trainee.

§ 64.6 *Payments to institutions; repayment of unexpended balances.* (a) Payments to an institution from funds granted may be made in advance and shall be in such amounts as are necessary to meet the needs of the institution as to both institutional expenses and payments to trainees.

(b) Funds paid to an institution but not expended in accordance with the regulations in this part shall be returned to the Treasurer of the United States.

Effective date. These regulations shall be effective July 1, 1949.

[SEAL] LEONARD A. SCHEELE,
Surgeon General.

Approved: August 26, 1949.

A. J. ALTMEYER,
Acting Federal Security Administrator.

[F. R. Doc. 49-7208; Filed, Sept. 6, 1949; 8:48 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Circular No. 1736]

PART 161—FEDERAL RANGE CODE FOR GRAZING DISTRICTS

MISCELLANEOUS AMENDMENTS

1. Subparagraph (10) of paragraph (c) of § 161.6 is redesignated as subparagraph (12) and new subparagraphs numbered (10), (11), and (13) are added as follows:

§ 161.6 *Issuance of licenses and permits.* * * *

(c) *Terms and conditions.* * * *

(10) The failure for any two consecutive years to make substantial use of the grazing privileges, authorized under an accepted license or permit, may result in the loss of the dependency by use or priority of the base property in proportion to the failure to use such license or permit.

(11) Non use, in whole or in part, of a license or permit may be authorized by the range manager upon application by the licensee or permittee, after reference to the advisory board for recommendation, for the following reasons: Conservation and protection of the Federal range, annual fluctuations in livestock operations, or financial or other reasons beyond the control of the licensee or permittee.

* * * * *

(13) In order to stabilize livestock operations dependent upon the Federal range, no readjudication of any license or permit will be made on the claim of any applicant or intervener with respect to the dependency by use or priority of the base property where such qualification, upon which the license or permit was issued, has been recognized for a period of three years or more, except in a case where such qualification would otherwise be subject to adjustment under the provisions of this part.

2. Paragraphs (b) and (c) of § 161.8 are amended so as to read as follows:

§ 161.8 *Fees; time of payment; refunds.* * * *

(b) *Regular licenses and permits.* Each regular licensee or permittee will be charged for each head of livestock, for each month covered by the license or permit, a grazing fee for the use of

the range and a range improvement fee. Range improvement fees, upon the recommendation of the district advisory board and approval of the Secretary, may vary in accordance with the character or requirements of the various districts or portions thereof. Grazing fees may differ in any district or unit thereof in which the grazing capacity of the Federal range is increased by reason of the addition of land not owned by the United States, or by reason of a cooperative agreement or memorandum of understanding between the Bureau of Land Management, and any governmental agency—State or Federal, or any person, association, or corporation. Grazing and range improvement fees will be assessed on the basis of semi-monthly periods, beginning on the first and sixteenth day of the month and ending, respectively, on the fifteenth and the last day of the month. All livestock six months of age or over and allowed on the Federal range, will be counted at any point of time during the grazing period as a part of the total number for which a license or permit has been issued. No grazing or range improvement fees will be charged for livestock under six months of age. A minimum annual charge of $1.00 will be made on all regular licenses or permits.

(c) *Crossing permits.* Unless notice is otherwise given, a fee of one-half of a cent per head per day, for cattle and horses, and one-tenth of a cent per head per day, for sheep and goats, will be charged for a crossing permit, which will be issued upon application by any person showing the necessity of crossing the Federal range for proper and lawful purposes: *Provided,* That in cases where the trail to be used is so limited and defined that no material amount of forage will be consumed in transit the permit will be issued without charge: *Provided further,* That no fee will be charged for a crossing permit to the extent that it involves the use of a stock driveway created under section 10 of the stock-raising homestead act of December 29, 1916 (39 Stat. 862; 43 U. S. C. 300).

3. Paragraphs (a), (c), and (f) of § 161.9 are amended so as to read as follows:

§ 161.9 *Procedure in applications, hearings and appeals*—(a) *Filing and consideration of applications; recommendations; service of notice.* Each year the regional grazier will set a date for each district in his region prior to which all applications for grazing licenses or permits in the district must be filed. Failure to file applications before such date will result in their rejection for that year unless reasonable justification for a belated filing is shown. Whenever an application is filed for a license or permit based in whole or in part on a property which has not served as a base for a license or permit during the grazing season immediately preceding such filing, all users who might be directly affected by favorable action on such application will be notified of its filing. All applications for grazing licenses or permits, except those of district advisers, will be considered first by the advisory board of the district in which the license or permit is sought. The advisory board will make its recommendation to the district grazier and, if such recommendation is to any extent adverse, it shall set forth the reasons therefor. If such recommendation is favorable, the district grazier will so notify the applicant by ordinary mail. If the recommendation is to any extent adverse, notice thereof will be served on the applicant personally either by the district grazier or by such person as may have been designated by him, or by registered letter sent to the applicant at the address given in his application. Such notice will set out the reason or reasons set forth by the advisory board for the adverse recommendation and will name a place and date, not less than ten days thereafter, when protests against the recommendation will be heard: *Provided, however,* That in any case where consideration of an application involves only issues previously adjudicated involving the same applicant or his predecessors in interest, the same base property and the same area of use, the advisory board may, in its discretion, decide that a protest meeting be not held; whereupon, the range manager shall act upon the recommendation of the board as its final recommendation.

* * * * *

(c) *Allowance or rejection of application by the district grazier; modification; service of notice; appeal to examiner; intervention.* The district grazier is vested with the authority in the light of all facts and circumstances, after first having submitted an application to the district advisory board, to issue or to refuse to issue a grazing license or permit. If the action taken by the district grazier on any application is substantially different from that recommended by the advisory board, a notice including a recital of the specific reasons for the action taken will be served on the applicant and on any other applicant or applicants adversely affected by such action, either personally by the district grazier or by such person as may have been designated by him or by registered letter sent to the applicant at the address given in his application. The notice given the particular applicant will advise him of his privilege to file an appeal to an examiner. The appeal must be filed with the regional grazier within fifteen days following the receipt of the notice. The appeal shall be accompanied by specifications of error setting forth in a clear and concise manner the matters upon which it is based. Any party or parties who may be directly affected by the decision on the appeal will be notified by the regional grazier of the filing of the appeal and advised that a written request to intervene in the appeal may be filed. Such a party shall be known and designated as an intervener. When separate appeals are filed and the issue or issues involved are common to two or more appeals, they may be consolidated for purposes of hearing and decision.

The range manager, or any intervener may, within twenty days after receipt of notification that an appeal has been filed, file with the regional administrator, after having served a copy on the appellant, a written motion that the appeal be dismissed for the reason that all issues involved therein have been previously adjudicated in an appeal involving the same privileges, the same parties or their predecessors in interest. The regional administrator shall advise all other parties in interest that such a motion has been filed.

The appellant, or any other party in interest, may file a written answer within twenty days after service of motion upon him. The regional administrator shall transmit the motion, the proofs of service, and the answers to the examiner who shall rule on the motion, and, if the motion is sustained, dismiss the appeal without prejudice to the appellant's privilege to appeal to the Director, pursuant to paragraph (j) of § 161.9.

* * * * *

(f) *Authority of examiner.* The examiner is vested with general authority to conduct the hearing in an orderly and judicial manner, including authority to subpoena witnesses, to administer oaths, to call and question witnesses, and to make findings of fact, conclusions of law, and a decision. The examiner also shall have authority to take or to cause depositions to be taken whenever the ends of justice would be served thereby, in accordance with the procedure for taking depositions set out in the rules of practice (43 CFR, Part 221). The examiner may stop examination and exclude testimony on any issue which he determines has been adjudicated previously in an appeal involving the same privileges, and the same parties or their predecessors in interest. The examiner also may grant or order continuances, and set the times and places of further hearings. Continuances shall be granted because of the absence of witnesses only in accordance with the rules of practice (43 CFR, Part 221). In other cases continuances may be granted only when the ends of justice will be served thereby.

Continuances will not be granted unless it appears that they are clearly justified and that a timely request has been made. Where it appears prior to the date of hearing that a continuance will be desired, the party desiring the continuance should promptly file a request for continuance with the examiner, along with proof of service of the request on the other parties. The other parties shall have five days to file an objection to the continuance if they so desire. The examiner will then rule on the request, and, if the request is granted, set a new date for the hearing.

4. Paragraph (d) of § 161.11 is amended so as to read as follows:

§ 161.11 *Procedure for enforcement of rules and regulations.* * * *

(d) *Disciplinary action for violations.* The regional grazier is authorized to reduce or revoke a grazing license or permit or to deny renewal thereof for a clearly established violation of the terms or conditions of the license or permit or for a violation of any of the provisions of the Federal Range Code. Before any license or permit is reduced or revoked, or renewal thereof denied, because of

such a violation, however, the regional grazier will cause the licensee or permittee to be served with a written notice which will set forth the act or acts constituting the violation and an estimate of the amount of damage resulting therefrom. Such notice also will refer to the terms or conditions of the license or permit or to the provision or provisions of the Federal Range Code alleged to have been violated. The notice will cite the licensee or permittee to appear before an examiner of the Bureau of Land Management at a designated time and place to show cause why his license or permit should not be reduced or revoked and satisfaction of damages made. The notice may be served in person or by registered mail and the affidavit of the person making personal service or the registry receipt shall be preserved.

The hearing before the examiner upon the order to show cause will be conducted so far as practicable in the same manner as other hearings before an examiner. The licensee or permittee may appear in his own behalf or by counsel. The evidence shall be confined to the commission of the acts charged and the amount of damages, if any, due the United States. If upon the hearing of the order to show cause the violation with which the licensee or permittee is charged is established to the satisfaction of the examiner, he will render a decision finding the amount of damages and directing the regional grazier to reduce or revoke the license or the permit, if the facts so warrant.

Upon the failure of the person served in the notice to appear at the time and place designated in the notice, and in the absence of a good and sufficient showing to the examiner of a reason for his failure to appear, the examiner may direct the regional grazier to reduce or revoke the license or permit, as the violations charged in the notice and the amount of damages alleged may warrant.

Appeal from the decision of the examiner on any matter under this section shall be made in accordance with the provisions of paragraphs (j), (k), and (l) of § 161.9, and appeal to the Secretary of the Interior from the decision of the Director shall be made under paragraph (m) of § 161.9.

5. Section 161.12 is amended by adding paragraphs (j), (k), and (l) thereto, as follows:

§ 161.12 *District Advisory Boards.*

* * *

(j) *State Advisory Boards.* Each grazing district advisory board shall select from its members, at the first meeting of the board after an election, two members and two alternates to serve on a State Advisory Board for the State in which the district is located: *Provided*, That where the district advisory board has representation for cattle and horses, and sheep and goats, then only one representative and one alternate representing each class shall be selected.

(k) *National Advisory Board Council.* Each State Advisory Board shall select from its members, at its first meeting after its membership is designated or changed, one representative and one alternate representing cattle and horses, and one representative and one alternate representing sheep and goats, to serve on a National Advisory Board Council.

(l) *Functions and duties of State Advisory Boards and National Advisory Board Council.* In addition to the service rendered on grazing district advisory boards, the State Advisory Board members shall consider and make recommendations on grazing administration policies or problems affecting the State as a whole. The National Advisory Board councilmen, in addition to serving on their respective district and State Advisory Boards, shall consider and make recommendations on grazing administration policies and problems of national scope (48 Stat. 1269; 49 Stat. 1976, 43 U. S. C. 315 et seq.).

MARION CLAWSON,
Director.

Approved: August 31, 1949.

MASTIN G. WHITE,
Acting Assistant Secretary of the Interior.

[F. R. Doc. 49-7204; Filed, Sept. 6, 1949; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR, Parts 14, 16]

CONVERSION OF CURRENCY

NOTICE OF PROPOSED INSTRUCTIONS IN CASES WHERE MULTIPLE RATES OF EXCHANGE ARE CERTIFIED BY FEDERAL RESERVE BANK OF NEW YORK

Notice is hereby given that, pursuant to section 251 of the Revised Statutes and sections 522 and 624 of the Tariff Act of 1930 (19 U. S. C. 66, 31 U. S. C. 372, 19 U. S. C. 1624), it is proposed to amend §§ 14.3 and 16.4 of the Customs Regulations of 1943 (19 CFR 14.3 and 16.4) to set forth instructions for the conversion for customs purposes of foreign currencies for which multiple rates of exchange are certified by the Federal Reserve Bank of New York, the terms of which proposed amendments, in tentative form, are as follows:

1. Section 14.3 (j) of the Customs Regulations of 1943 (19 CFR 14.3 (j)), as amended, is hereby further amended to read as follows:

(j) Instructions for appraisement of merchandise in cases involving the conversion of foreign currencies for which two or more rates of exchange have been certified by the Federal Reserve Bank of New York are contained in § 16.4 of this chapter.

(Sec. 402, 46 Stat. 708, as amended, secs. 488, 500, 624, 46 Stat. 725, 729, 759; 19 U. S. C. 1402, 1488, 1500, 1624)

2. Section 16.4 of the Customs Regulations of 1943 (19 CFR 16.4), as amended, is hereby further amended by deleting the present paragraph (c), as amended, and by adding paragraphs (c), (d), and (e), as follows:

(c) Whenever the Federal Reserve Bank of New York advises that its certification of rates for a currency is being suspended pending determination of the question whether it will certify multiple rates for that currency, the customs field officers will be so informed. In any case where for the purpose of the assessment and collection of duties it is necessary to determine the proper rate or rates for that currency for a date during the period of suspension of certification by the Federal Reserve Bank, appraisement shall be withheld and liquidation suspended. When certification is resumed by the Bank, the rate or rates certified will be published either in the Treasury Decisions or in Customs Information Exchange circulars. Currency information received from the Bank, or otherwise available, which might be helpful in calculating estimated duties and in appraisement and liquidation will be furnished to the customs field officers. For purposes of calculating estimated duties where multiple rates have been certified by the Bank, the collector shall use the rate or rates appearing to be applicable under the instructions in this section to the type of merchandise involved; and when it is not yet known what certified rate or rates are applicable or no rate has been certified, he shall use the highest rate or combination of rates (i. e., the rate or combination of rates showing the highest amount of United States money), certified or uncertified as the case may be, which could be applicable.

(d) When the Federal Reserve Bank of New York certifies two or more rates of exchange for the currency of any country, those rates will be published. Thereafter when the appraiser and collector are in possession of sufficient information to apply the instructions in this section, they shall proceed, respectively, with the appraisement and liquidation in the case of any importation of merchandise exported on a date for which the Federal Reserve Bank of New York certifies such multiple rates, according to the following procedure:

(1) Except as prescribed in this section, no rate of exchange shall be used for customs purposes under this section other than a rate or rates certified by the Federal Reserve Bank of New York. If there is a proclaimed value of the currency involved which varies by less than 5 per cent from any certified rate otherwise applicable, such proclaimed value shall be used in lieu of such certified rate.

(2) The appraiser shall designate in his report to the collector the class or classes of the multiple-rate currency in which appraisement is made, by using the terms applied to that currency by the Federal Reserve Bank of New York. If two or more classes of the currency are designated, the percentage of each shall be clearly indicated.

(3) For all purposes of appraisement and assessment of duties, any value expressed in a currency for which two or more rates have been certified shall be considered to consist of the class of that currency, designated by the Federal Reserve Bank of New York, which the appraiser or collector is satisfied, from information in his own files, information obtained and presented to him by the importer, or information obtained from other sources, is uniformly applicable under the laws and regulations of the country of exportation to the particular class of commodity on the date of exportation. In cases where two or more classes of a currency are uniformly applicable on a percentage basis, any value expressed in such currency shall be considered to consist of each of such classes for the percentage to which it is applicable, and the rate or rates certified by the Federal Reserve Bank of New York for the class or classes of currency in which such value has been established shall be used. The percentages shall be those which reflect realistically the percentage of each class of currency uniformly applicable under the laws and regulations of the country of exportation to the particular class of commodity on the date of exportation.

(4) If the appraiser or collector has credible information that the rate or combination of rates which would otherwise be applicable under subparagraph (3) of this paragraph was not required or permitted, as the case may be, under the laws and regulations of the country of exportation to be used uniformly during any period in connection with the payment for all merchandise of the type involved, appraisement shall be withheld and liquidation shall be suspended as to all merchandise of the type involved exported to the United States during the period involved.

(5) If the appraiser or collector has credible information that a rate or combination of rates not applicable to payment for the merchandise was required or permitted in payment of costs, charges, or expenses, the currency conversions for the exchange covering payment for the merchandise and for the exchange covering such costs, charges, or expenses shall be calculated separately. If the costs, charges, or expenses are dutiable, they shall be calculated according to the rules stated above in this section, and in the event that any rate uniformly applicable to payment of dutiable costs, charges, or expenses for merchandise of the type involved was a rate not certified by the Federal Reserve Bank, appraisement shall be withheld and liquidation suspended. In deducting non-dutiable costs, charges, or expenses, the foreign exchange shall be at the rate or rates actually used in payment of such costs, charges, or expenses, whether or not certified by the Federal Reserve Bank.

(e) Whenever appraisement is withheld or liquidation suspended, under paragraph (d) (4) and (5) of this section, a detailed report shall be transmitted immediately to the Bureau of Customs.

(R. S. 251, secs. 505, 624, 46 Stat. 732, 759, sec. 522, 46 Stat. 739; 19 U. S. C. 66, 1505, 1624, 31 U. S. C. 372)

The instructions for the conversion of certain foreign currencies listed in the deleted paragraph (c) of § 16.4 will be superseded by the foregoing amendments, but customs officers and employees will be instructed that, in carrying out the provisions of those amendments, they shall avail themselves of pertinent and up-to-date information set forth in those Treasury decisions.

This notice is published pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003). Prior to the issuance of the proposed amendments, consideration will be given to any relevant data, views, or arguments pertaining thereto which are submitted in writing to the Commissioner of Customs, Bureau of Customs, Washington 25, D. C., and received not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

[SEAL] FRANK DOW,
Commissioner of Customs.

Approved: August 29, 1949.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 49-7206; Filed, Sept. 6, 1949; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 721]

CORN

NOTICE OF DETERMINATION OF COMMERCIAL CORN-PRODUCING AREA, ACREAGE ALLOTMENT FOR 1950 CROP AND APPORTIONMENT OF SUCH ALLOTMENT AMONG COUNTIES AND FARMS

Pursuant to the authority contained in the applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301 (b) (4), 1328, 1329), the Secretary of Agriculture is preparing to determine and proclaim the commercial corn-producing area and the acreage allotment for the 1950 crop of corn, and to apportion such allotment among counties and farms. Section 301 (b) (4) (A) of the act provides that the 1950 commercial corn-producing area shall include all counties in which the average production of corn (excluding corn used as silage) during the ten calendar years 1940–1949, after adjustment for abnormal weather conditions, is 450 bushels or more per farm and 4 bushels or more for each acre of farm land in the county. Section 301 (b) (4) (B) of the act provides for the inclusion in the 1950 commercial corn-producing area of any county bordering on such commercial corn-producing area which (or in which there is a minor civil division which) is likely in 1950 to produce 450 bushels or more per farm and 4 bushels or more per acre of farm land, and for the exclusion of counties from the 1950 commercial corn-producing area which are not likely in 1950 to meet these production requirements. Section 328 of said act provides that the acreage allotment of corn for any calendar year shall be that acreage in the commercial corn-producing area which, on the basis of the average yield of corn in such area during the ten calendar years immediately preceding such calendar year, adjusted for abnormal weather conditions and trends in yields, will produce an amount of corn in such area which the Secretary determines will, together with corn produced in the United States outside the commercial corn-producing area, make available a supply for the marketing year beginning in such calendar year, equal to the reserve supply level. It is further provided that the Secretary shall proclaim such allotment and the commercial corn-producing area not later than February 1 of the calendar year for which such acreage allotment is determined. Section 329 of said act contains the provisions governing the apportionment of the acreage allotment among the counties and the county acreage allotments among farms.

Prior to the determination of the commercial corn-producing area and the acreage allotment of corn, the apportionment of such allotment among counties and the formulation of regulations for the establishment of farm acreage allotments for the 1950 crop of corn, consideration will be given to any data, views, and recommendations pertaining thereto which are submitted in writing to the Director, Grain Branch, Production and Marketing Administration, United States Department of Agriculture, Washington, D. C. All written submissions must be postmarked not later than September 16, 1949.

Issued at Washington, D. C., this 1st day of September 1949.

[SEAL] FRANK K. WOOLLEY,
Acting Administrator.

[F. R. Doc. 49-7228; Filed, Sept. 6, 1949; 8:53 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 13676]

KAORU TAMAKI

In re: Safe deposit box owned by Kaoru Tamaki, also known as Kaoruko Nakamura Tamaki and as Mrs. K. Tamaki. D–39–12312–F–1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kaoru Tamaki, also known as Kaoruko Nakamura Tamaki, and as Mrs. K. Tamaki, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. All rights and interests created in Kaoru Tamaki, also known as Kaoruko Nakamura Tamaki and as Mrs. K. Tamaki under and by virtue of a safe deposit box lease agreement by and between Kaoru Tamaki and the Anglo California National Bank of San Francisco, 1 Sansome Street, San Francisco 20, California, relating to safe deposit box 593, located in the vaults of the Fillmore Geary Branch, San Francisco, California, of the aforesaid Bank, including particularly but not limited to the right of access to said safe deposit box, and

b. All property of any nature whatsoever owned by Kaoru Tamaki, also known as Kaoruko Nakamura Tamaki and as Mrs. K. Tamaki located in the safe deposit box referred to in subparagraph 2 (a) hereof and all rights and interests of said person evidenced or represented thereby,

subject, however, to any liens of the aforesaid Anglo California National Bank, San Francisco, California, arising out of accrued and unpaid rental fees for the aforesaid safe deposit box,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 17, 1949.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 49–7220; Filed, Sept. 6, 1949; 8:52 a. m.]

[Vesting Order 13678]

HUGO BEIER

In re: Estate of Hugo Beier, deceased. File No. D–28–10183; E. T. sec. 14518.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Olga Kromer; Max Beier; Arthur Gerecke; Ella Strumpf, nee Gerecke; Herta Wagener, nee Gerecke; Margaret Wieber, nee Gerecke; Christine Frie, nee Bartesko; Gretchen Bartesko; Trudie Bero, nee Bartesko; and Hildegard Bartesko, whose last known address was, on June 3, 1948, Germany, were on such date residents of Germany and nationals of a designated enemy country (Germany);

2. That the heirs, names unknown, of Martha Bartesko, deceased, who, on June 3, 1948, there was reasonable cause to believe were residents of Germany, were on such date nationals of a designated enemy country (Germany);

3. That the sum of $2,801.57 was paid to the Attorney General of the United States by George Ottenhoff, Executor of the estate of Hugo Beier, deceased;

4. That the said sum of $2,801.57 was accepted by the Attorney General of the United States on June 3, 1948; pursuant to the Trading With the Enemy Act, as amended;

5. That the sum of $2,801.57 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

6. That to the extent that the persons identified in subparagraph 1 hereof and the heirs, names unknown, of Martha Bartesko, deceased, were not within a designated enemy country on June 3, 1948, the national interest of the United States required that such persons be treated as nationals of a designated enemy country (Germany) on such date.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property by acceptance as aforesaid.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 18, 1949.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 49–7221; Filed, Sept. 6, 1949; 8:52 a. m.]

[Vesting Order 13699]

KATHARINA SADOWSKY

In re: Estate of Katharina Sadowsky, also known as Kathryn Sadowsky, as Katie Sadowsky, as Catherine Sadowsky and as Katarina Sadowsky, deceased. File D–28–11751; E. T. sec. 15954.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Annaliese Marie Enss (also known as "Enst"), whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, issue, heirs-at-law, next of kin and distributees, names unknown, of Anna Maria Enss (also known as Mrs. Enst), deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Katharina Sadowsky, also known as Kathryn Sadowsky, as Catherine Sadowsky and as Katarina Sadowsky, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by The First National Trust and Savings Bank of San Diego,

as administrator c. t. a., acting under the judicial supervision of the Superior Court of the State of California, in and for the County of San Diego;

and it is hereby determined:

5. That to the extent that the person identified in subparagraph 1 hereof, and the domiciliary personal representatives, issue, heirs-at-law, next of kind and distributees, names unknown, of Anna Maria Enss (also known as Mrs. Enst), deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 18, 1949.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 49-7222; Filed, Sept. 6, 1949; 8:52 a. m.]

[Vesting Order 13718]

ANTHONY VAN BERGEN ET AL.

In re: Trust agreement dated February 15, 1901, between Anthony Van Bergen, settlor, the United States Trust Company of New York, trustee, and Alice Grote, beneficiary. File No. F-28-951-G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Antoinette Princess zu Wied, Maximilian zu Wied, Ulrich zu Wied and Ludwig zu Wied, whose last known address is Germany, are residents of Germany and nationals of a designated enemy county (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, in and to and arising out of or under that certain trust agreement dated February 15, 1901, by and between Anthony Van Bergen, settlor, the United States Trust Company of New York, trustee, and Alice Grote, beneficiary, presently being administered by the United States Trust Company of New York, trustee, 45 Wall Street, New York 5, New York,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 25, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-7225; Filed, Sept. 6, 1949; 8:52 a. m.]

[Vesting Order 13720]

GEORGE M. FASSNACHT

In re: Trust u/w of George M. Fassnacht, deceased. D-28-2487; T. E. sec. 3513.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, of Elsa Anna Stumpp, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the Trust created under the will of George M. Fassnacht, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by the National Bank of Chester County and Trust Company, as Substituted Trustee, acting under the judicial supervision of the Orphan's Court of Chester County, Pennsylvania;

and it is hereby determined:

4. That to the extent that the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, of Elsa Anna Stumpp, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 25, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-7226; Filed, Sept. 6, 1949; 8:52 a. m.]

GENERAL SERVICES ADMINISTRATION

[Temporary Reg. 5]

ABANDONMENT, DESTRUCTION, OR DONATION OF PROPERTY TO PUBLIC BODIES

Pursuant to section 202 (h) of the Federal Property and Administrative Services Act of 1949, Public Law 152, 81st Congress, the following order is issued:

SECTION 1. *Definitions.* (a) "Administrator" means the Administrator of General Services or his designee.

(b) "Property" means any interest in property of any kind except (1) the public domain and lands reserved or dedicated for National Forest or National Park purposes; and (2) naval vessels of the following categories: Battleships, cruisers, aircraft carriers, destroyers and submarines.

(c) "Real property" means any interest owned by the United States, including any wholly-owned Government corporation, in land and in any fixtures or improvements thereon of any kind, except the public domain and lands reserved or dedicated for National Forest or National Park purposes.

(d) "Personal property" means any property as defined in paragraph (b) of this section, except real property as defined in paragraph (c) of this section.

(e) "Excess property" means any property under the control of any Federal agency which is not required for its needs and the discharge of its responsibilities, as determined by the head thereof.

(f) "Public body" means any state, territory or possession of the United States, any political subdivision thereof, the District of Columbia, any agency or instrumentality of any of the foregoing or any agency of the Federal government.

(g) "Executive agency" means any executive department or independent establishment in the executive branch of

the Government, excluding wholly-owned Government corporations.

(h) "Federal agency" means any executive agency or any establishment in the legislative or judicial branch of the Government (except the Senate and House of Representatives).

(i) "Reviewing authority" means a local, regional, or departmental board of review of a Government agency, or any other group or individual designated by an agency head to serve as a reviewing authority hereunder. It may consist of one or more persons.

(j) "No commercial value" means: (1) In the case of personal property, property which can reasonably be expected to have no market value either for the purposes for which it was originally intended or for use as an entity for any other purpose.

(2) In the case of real property, property which has no reasonable prospect of sale for any purpose.

SEC. 2. *Scope.* This order shall apply to the destruction, abandonment, or donation to public bodies of property, except excess property located outside the Continental United States, Hawaii, Alaska, Puerto Rico, and the Virgin Islands.

SEC. 3. *Findings justifying abandonment, destruction, or donation to public bodies.* Except as to property disposed of under section 6 hereof, no property shall be donated, destroyed or abandoned by a Federal agency unless it shall have been affirmatively found by a duly authorized official of such agency either that (a) such property has no commercial value or (b) the estimated cost of its continued care and handling would exceed the estimated proceeds from its sale. Such findings shall be reduced to writing by such official. In no event shall such finding be made by an official directly accountable for the property covered thereby. Whenever all of the property proposed to be disposed of hereunder by any agency at any one location at any one time had an original cost (estimated if not known) of more than $1000, the findings shall be approved by a reviewing authority before any such disposal.

SEC. 4. *Donations to public bodies.* (a) A Federal agency may donate property in its possession or control as to which findings have been made in compliance with provisions of section 3 to any public body.

(b) *Disposal costs.* The donating agency shall require any donee to pay all costs of packing, loading, and shipping to the donee.

(c) *Prior approval required.* No real property, and no property which has not been reported excess, shall be donated without prior approval of the Administrator.

SEC. 5. *Abandonment or destruction—* (a) *Notice of proposed abandonment or destruction.* Except as provided in section 6, property shall not be abandoned or destroyed by any agency until 30 days after publication of notice of such proposed destruction or abandonment. Such notice shall contain a general description of the property to be abandoned or destroyed and shall be published once in a newspaper having a general circulation in the area in which the property is located. Such notice shall contain an offering of the property for sale. A copy of such notice shall be given to the Administrator at the beginning of such thirty-day period: *Provided,* That no real property shall be abandoned, or any portion thereof abandoned or destroyed, without prior approval of the Administrator.

(b) *Authority to abandon or destroy.* Property, as to which findings have been made in compliance with the provisions of section 3 and notice has been given as provided in paragraph (a) of this section, may be abandoned or destroyed by a Federal agency when a duly authorized official of such agency shall find that donation pursuant to the provisions of section 4 is not feasible. Such finding shall be reduced to writing by such official before any such abandonment or destruction is made. Whenever all of the property proposed to be abandoned or destroyed hereunder by any agency at any one location at any one time had an original cost (estimated if not known) of more than $1,000, the finding shall be approved by a reviewing authority before any such abandonment or destruction. No abandonment or destruction shall be made in a manner which is detrimental or dangerous to public health or safety or which will cause an infringement of the rights of other persons.

SEC. 6. *Abandonment or destruction without notice.* Property may be abandoned or destroyed by a Federal agency without public notice upon a finding by a duly authorized official thereof, approved by a reviewing authority, that the immediate destruction or abandonment of the property is necessary or desirable because of its nature or because of the expense or difficulty of its care and handling. Such abandonment or destruction shall be deemed to be authorized under this section, (a) whenever the value of the property is so little or the cost of its care and handling is so great that its retention for thirty (30) days to advertise for donation or sale is clearly not justified, or (b) whenever abandonment or destruction is required by military necessity or by considerations of health, safety, or security. Such findings shall be reduced to writing by such official. Whenever all of the property proposed to be destroyed at any one location at any one time had an original cost (estimated if not known) of less than $100, it shall be presumed for the purposes of this section that its immediate destruction or abandonment without notice is justified by reason of the expense or difficulty of its care and handling. The right to abandon or destroy under this section shall not be deemed to preclude the donation of any property as to which appropriate findings have been made.

SEC. 7. *Demilitarization of combat matériel.* Combat matériel may be mutilated, disarmed, or otherwise demilitarized before disposal where a duly authorized official of an agency finds that such action is in the interest of public health and safety and of national defense. Such demilitarization may include rendering such property innocuous, making it unfit for military use, or stripping from it any confidential or secret characteristics, and shall be accomplished in such manner as to preserve so far as possible any civilian utility or commercial value of the property. Any such property which is found by a duly authorized official of an agency to have no commercial value after demilitarization, or of which the estimated cost of continued care and handling would exceed the estimated proceeds shall be disposed of in accordance with the provisions of this order.

SEC. 8. *Records and reports.* Agencies donating, destroying, or abandoning property hereunder shall prepare and maintain such records as will show whether such agencies have fully complied with the provisions of this order and will furnish such reports regarding donation, destruction and abandonment of property as the Administrator may from time to time require.

SEC. 9. *Effective date.* This shall become effective August 28, 1949.

JESS LARSON,
Administrator of General Services.

[F. R. Doc. 49-7210; Filed, Sept. 6, 1949; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2196]

WEST PENN ELECTRIC CO.

MEMORANDUM OPINION AND INTERIM ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C. on the 31st day of August A. D. 1949.

On August 9, 1949, The West Penn Electric Company ("Electric"), a registered holding company, filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, a recapitalization program proposing the issuance and sale of $31,000,000 principal amount of Sinking Fund Collateral Trust Bonds and 856,895 shares of common stock. The proceeds from the sale of these securities are to be used principally to redeem and retire substantially all of the outstanding senior securities of Electric. The filing proposes that the Sinking Fund Collateral Trust Bonds be sold pursuant to the competitive bidding requirements of Rule U-50, but for reasons hereinafter elaborated, requests an exception from that rule with respect to the sale of the common stock. The filing asks that the Commission take interim action with respect to this request as soon as possible in order that the company's time schedule, which must be related to redemption dates applicable to the outstanding preferred shares of Electric, may be met. This Memorandum Opinion will deal primarily with this requested exception from Rule U-50.

After appropriate notice a public hearing was held at which no one appeared

in opposition to the requested exception. Having considered that portion of the record concerned with the request for the exception from Rule U-50, the Commission makes the following findings:

Electric, a Maryland corporation, at the present time has a capitalization consisting of bonds, two series of preferred stocks, Class A stock, and common stock, as set forth in Table I below:

TABLE I

Capitalization as at May 31, 1949

	Per books	
	Amount	Percent
Long term debt:[1] 5% gold debentures, due 2030	$5,000,000	6.1
Capital stock and surplus:		
Preferred stock:		
7 percent cumulative—$100 par value—168,836 shares	16,883,600	20.5
6 percent cumulative—$100 par value—119,606 shares	11,960,600	14.5
Class A—$7 cumulative—no par value—54,788 shares	5,478,800	6.6
Total preferred stock	34,323,000	41.6
Common stock: No par value—2,343,105 shares outstanding	9,998,075	12.1
Surplus:		
Capital	27,504,596	33.3
Earned	5,726,205	6.9
Total common stock and surplus	43,228,876	52.3
Total capitalization and surplus	82,551,876	100.0

[1] Does not include $4,372,500 P. A. of non-callable bonds of West Penn Traction Company to be assumed by Electric as result of 11 (e) plan approved by this Commission July 28, 1949, H. C. Act Release 9255. It is proposed that these bonds remain outstanding.

We recently had occasion to indicate that this present capitalization is unduly complex and is not in conformity with the standards of the act.[1] To remedy this situation the pending recapitalization program has been proposed.

As has hereinbefore been indicated, the Sinking Fund Collateral Trust Bonds in the aggregate face amount of $31,000,000 are to be sold pursuant to the competitive bidding requirements of Rule U-50. Commond stock, in the aggregate amount of 468,621 shares, is to be offered to the present common stockholders in the ratio of one share for each five shares now held. This subscription offer also contains the privilege of additional subscription rights which are to be satisfied only to the extent that the 468,621 shares are not taken pursuant to the one for five offer.

Additionally, Electric proposes, concurrently with the subscription offer, to offer 388,274 shares (the entire balance of the aggregate issue of 856,895 shares) on exchange to the present holders of the preferred stocks and Class A stock. This exchange offer affords the holders of the preferred and Class A stock, who elect to accept the offer, an opportunity to remain in the enterprise since all preferred and Class A shares not exchanged are to be redeemed. Any balance of the 468,621 shares of common stock initially offered the present common stockholders not taken by subscription (including additional subscriptions) are also to be available for exchange with the preferred and Class A stockholders (the 388,274 shares would permit exchanges by approximately 24% of the preferred and Class A stockholders).

At this time the subscription price and the exchange rates have not been determined. Company representatives have stated that in their judgment these terms, among others, should be determined only after preliminary negotiations and the selection of the underwriter.

In support of the requested exception, Electric has advanced several arguments. First, the number of additional shares of new common stock is equivalent to more than 36% of the total number of common shares presently outstanding and the total net proceeds which must be received for such shares, in order for the program to be feasible, must equal at least $18,400,000. Second, the common stock of Electric is not a seasoned security. Until 1948 Electric was a subsidiary of American Water Works and Electric Company, Inc., which company owned all of Electric's common stock. Electric's common stock in 1948 was distributed to the holders of the common stock of American. That common stock had paid no dividends since 1932. Shortly after the distribution of Electric's stock, dividends at the rate of $1.00 a year were declared and paid. That dividend rate continued through the first quarter of 1949. In the second quarter of 1949 a dividend of 37½ cents was paid, and on August 9, 1949 the dividend was increased to 45 cents a quarter. Third, competitive bidding does not give the necessary flexibility with respect to prices for the subscription offer and exchange offer. Fourth, Electric points to the fact that on July 28, 1949 this Commission approved a plan pursuant to section 11 (e) of the act concerned with the elimination of certain corporate complexities in the system and that accordingly the historical financial statements of the company requires special consideration in the light of changing circumstances.

In brief summary, representatives of Electric urge that the success of the proposed refinancing program depends upon the satisfactory consummation of the common stock offering. To insure this success it is the opinion of representatives of Electric that they must be afforded reasonable latitude in meeting the special price and marketing problems which are inherent in the common stock offering and that this latitude is not available to them under the process of competitive bidding.

We have carefully considered the arguments advanced by Electric, together with our own analysis of the case, and have concluded that the special circumstances of this case, particularly the need for an unusual degree of flexibility and the size of the issue, by a holding company, both in dollar amount and in relation to the amount of common stock now outstanding, are such that, in the interests of the security holders of Electric and in the interests of Electric itself, we may appropriately grant the requested exception. In any negotiated transaction, however, competitive conditions must be maintained and Electric, in connection with any negotiated underwriting commitment, must inform us of the manner in which the underwriter will have been selected and obtain from us our approval of the terms and prices established by such undertaking. Representatives of Electric have informed us that it is their intention to present such information as we shall request on this matter at the same time as they report to us the results of competitive bidding with respect to the Sinking Fund Collateral Trust Bonds.

Accordingly, it is hereby ordered, That the application of Electric for an exception from the competitive bidding requirements of Rule U-50 with respect to the proposed sale of common stock be, and the same hereby is, granted, subject to reporting the results of negotiations and the terms thereof and obtaining subsequent approval of this Commission prior to the consummation of any sale thereunder.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 49-7205; Filed, Sept. 6, 1949; 8:46 a. m.]

[1] *The West Penn Electric Company et al.*, — S. E. C. — (1949) Holding Company Act Release No. 9255, p. 6.

DEPARTMENT OF AGRICULTURE

Farm Credit Administration

1½ PERCENT CONSOLIDATED FEDERAL FARM LOAN BONDS OF OCTOBER 1, 1948–50

NOTICE OF CALL FOR REDEMPTION BY TWELVE FEDERAL LAND BANKS

Public notice is hereby given that the twelve Federal land banks have called all outstanding 1½ percent consolidated Federal farm loan bonds of October 1, 1948–50, for redemption as of October 1, 1949, in accordance with their terms. Interest on the bonds will cease on October 1, 1949, and the bonds will be payable at par on and after that date.

The twelve Federal land banks have designated the Federal reserve banks and branches and the Treasury Department, Washington, D. C., as agencies for the payment of the afore-mentioned bonds. It is requested that the bonds be presented for payment at one of those agencies.

Dated: August 30, 1949.

[SEAL] J. R. ISLEIB,
Land Bank Commissioner.

ATTEST:

E. DIEBEL,
Assistant Deputy Land Bank Commissioner.

[F. R. Doc. 49-7243; Filed, Sept. 6, 1949; 8:59 a. m.]